MAG

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 JUN -2 AM 11:15
CLERK US
SOUTHERN DIST
BY DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Manuel OLVERA-Vera,** Defendant	Magistrate Docket No. '08 MJ 1733 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **May 31, 2008** within the Southern District of California, defendant, **Manuel OLVERA-Vera,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **2nd** DAY OF **JUNE, 2008**

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Manuel OLVERA-Vera

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On May 31, 2008, at approximately 6:00 a.m., Border Patrol Agent D. Cochran was performing line watch duties in the Chula Vista Border Patrol Station's Area of Responsibility. At that time, Agent Cochran was notified by dispatch of the activation of a seismic intrusion device in an area known as the "48 Cut." This area is frequently used by undocumented immigrants to gain entry into the United States and is located approximately four miles east of the Otay Mesa, California Port of Entry and approximately three miles north of the United States/Mexico International Boundary.

Upon arriving at the location, Agent Cochran found an individual, later identified as the defendant **Manuel OLVERA-Vera**, walking north in the draw, in the direction of Otay Lakes Road. Agent Cochran identified himself as a United States Border Patrol Agent and questioned him regarding his citizenship, nationality, and immigration documentation. The defendant admitted to having entered the United States without inspection, and that he was a citizen and national of Mexico. The defendant also stated that he was not in possession of immigration documents that would allow him to enter or remain in the United States legally. At approximately 6:35 a.m., Agent Cochran arrested the defendant and transported him to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **April 9, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on June 1, 2008 at 10:00 a.m.

Tomas M. Jimenez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **1** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **May 31, 2008**, in violation of Title **8**, United States Code, Section **1326**.

Leo S. Papas
United States Magistrate Judge

6/1/08 - 10:35AM
Date/Time